

REMARKS

The claims in the application are 1-3, 5, 7, 16, 17, 19-23 and Claims 24-27 added by the present amendment.

Favorable reconsideration of the application as amended is respectfully requested.

The present amendment is being made in accordance with a telephone interview between the Examiner in charge of the above-identified application at the Patent and Trademark Office and the undersigned attorney on Friday, October 20, 2006. The courtesy extended by the Examiner in arranging for and conducting the telephone interview, is greatly appreciated.

The claims have been amended as presented for discussion during the telephone interview, and additionally revised as discussed during the telephone interview. More particularly, independent Claim 1 has been amended to incorporate recitation from Claim 4 which has been canceled without prejudice, while Claims 1 and 21-23 have been amended to eliminate the objections and rejections under 35 U.S.C. §112, second paragraph, set forth in paragraphs 1-4 of the Final Office Action. More particularly, independent Claims 1 and 22 have been amended to recite braking deceleration device 1 in the preamble and thereby remove it from the claimed combination, while dependent Claims 21 and 23 have been clarified to recite the hinge 7, and not the adaptor, is mounted upon both the furniture frame 5 and door 9 (reference is being made to preferred embodiments of the present invention illustrated in the drawings of the present application).

Additionally, independent Claims 24 and 25 as presented for discussion during the interview have been introduced, together with dependent Claims 26 and 27 which recite

the adaptor body 10 and attachment or clip installation plate 14 are mounted in the absence of hinge mechanism. These new claims, together with all amendments to the claims made herein, find clear, unequivocal support throughout the present application and drawings.

Accordingly, the only outstanding issue is the art rejection of the claims.

Claims 1 and 2 have again been rejected under 35 U.S.C. §102 as being anticipated by U.S. Pat. No. 1,464,448 to Silberman in paragraphs 6 and 7 of the Final Office Action, while Claims 1-5, 7-13 and 21-23 have been rejected under 35 U.S.C. §103 as obvious over U.S. Pat. No. 6,684,453 to Wang in view of DE 101 59 140 in paragraphs 9-20 of the Final Office Action and Claims 14, 16, 17, 19 and 20 rejected further in view of U.S. Pat. No. 5,964,010 to Huber in paragraphs 21 and 22 of the Final Office Action. However, it is respectfully submitted the invention as recited in all pending claims herein is patentable over the applied art, for the following reasons (reference will be made to preferred embodiments of the present invention illustrated in the drawings of the present application).

As pointed out in the preceding amendment, the present invention explicitly improves ease of mounting and de-mounting a braking deceleration device 1 upon a door or movable furniture flap 9. This improvement is attained by the invention recited in independent Claims 1 and 22 and which is directed to an adaptor for the braking deceleration device 1 having a plunger 12 which can be pushed into a housing of the braking deceleration device 1 against force. More particularly, this adaptor comprises an adaptor body 10 having a recess encompassing the housing of the braking deceleration device 1 to allow the plunger 12 to extend or retract, and a smooth external surface to be

fixed, via an attachment plate, to a furniture frame or carcass 5 (Claim 1) or an inside of a door or flap 9 (Claim 22).

The features of the presently claimed invention together with the accompanying advantages attained thereby, are neither disclosed nor suggested by the applied art, for the following reasons.

Independent Claim 1 has been amended to incorporate recitation from Claim 4 and which has not been rejected over Silberman; accordingly, the anticipatory rejection of Claims 1 and 2 under 35 U.S.C. §102 over Silberman has been automatically eliminated. More particularly, independent Claim 1 has been amended to recite the specific features of attachment or clip installation plate 14 having projections 22, lateral end stops 48 and an end hook 24, to engage corresponding recesses 26, 50 and projections 28 in the adaptor body 10 to couple the adaptor body 10 and attachment or clip installation plate 14 together. It is clear Silberman neither discloses nor suggests these features.

Regarding the obviousness rejection, it is respectfully pointed out neither Wang nor DE '140 teaches or suggests facilitated mounting of a braking deceleration device as accomplished by the presently claimed invention. As pointed out during the telephone interview, Wang teaches retracting piston rod 812 into cylinder 811 upon opening door panel 32 to dampen opening movement of the door panel 32, and extending piston rod 812 out of the cylinder 811 upon closing door panel 32 (Figs. 5 and 6 and column 5, lines 10-33), the exact opposite of the present invention as recited, e.g., in independent Claims 24 and 25 introduced herein where damper 12 of the braking deceleration device 1 is

retracted upon closing the door 9.


Furthermore, both Wang and DE '140 actually teach hinges themselves. In this regard, an English translation of paragraphs [0002], [0023] and [0024] of DE '140 is enclosed and which documents this reference discloses hinges 10 and 20 in Figs. 1 and 2. Accordingly, the arrangements shown in both Wang and DE '140 clearly do not facilitate mounting of a braking deceleration device as accomplished by the presently claimed invention. Attention is respectfully called, in this regard, to dependent Claims 26 and 27 which recite the adaptor body 10 and attachment or clip installation plate 14 are coupled together in the absence of hinge mechanism so the braking deceleration device 1 can be mounted to separately operate remote from any hinge 7 on the door or flap 9, enhancing ability to position the damping device 1.

Huber adds nothing to either Wang or DE '140 which renders obvious the invention recited in any claim. The remaining art of record has not been applied against the claims and will not be commented upon further at this time.

Accordingly, in view of the forgoing amendment, accompanying remarks, and telephone interview in the above-identified application, it is respectfully submitted all claims pending herein are in condition for allowance. Please contact the undersigned attorney should there be any questions. A petition for an automatic two month extension of time for response under 37 C.F.R. §1.136(a) is enclosed in triplicate together with the requisite petition fee, fee for additional independent claims, RCE papers and requisite RCE filing fee.

Early favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "George M. Kaplan", is written over a horizontal line.

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[0002] This invention furthermore relates to a hinge for use in such furniture.

[0023] In contrast to conventional furniture, in which the furniture door is attached to a furniture side wall by means of a plurality of hinges of one type, the door 12 of the furniture of the invention as shown in Fig. 1 is attached to furniture side wall 11 by means of a damping hinge 10 and a spring hinge 20 which includes a closing means.

[0024] In the embodiment as shown in Fig. 2, the door 12 is mounted at the furniture side wall 11 by means of two spring hinges 20, i.e. hinges without a damping means, but with a closing means, and by means of one damping hinge 10, i.e. a hinge which only includes a damping means, but no closing means.